

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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JP MORGAN CHASE BANK, N.A.

Plaintiffs,

VS.

SFR INVESTMENTS POOL 1 LLC, *et al.*,

Defendants.

2:16-cv-02230-RFB-VCF

**ORDER GRANTING ENLARGEMENT OF
TIME TO SERVE**

Before the court are the Motion to Serve Rodrigo J. Coloma by Publication and Motion to Enlarge to Serve Summons and Cross-Claim (ECF No. 49 and 50).

Cross-Claimant SFR Investments Pool 1, LLC asks this court to permit service of the Summons and Counter/Cross-Complaint against Cross-Defendant Rodrigo J. Coloma by publication. *Id.* SFR also seeks to extend the time in which to effectuate service under Federal Rule of Civil Procedure 4(m). *Id.* No opposition has been filed to the motion for extension of time to serve Counter/Cross-Complaint (ECF No. 49).

Service By Publication

Pursuant to Fed. R. Civ. P. 4(e)(1), “an individual – other than a minor, an incompetent person, or a person whose waiver had been filed – may be served in a judicial district of the United States by following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made.” Under Rule 4(e)(1) of the Nevada Rules of Civil Procedure, “when the person on whom service is to be made resides out of the state, or has departed from the state, or cannot, after due diligence, be found within the state, or by concealment seeks to avoid the service of summons, and the fact shall appear, by affidavit, to the satisfaction of the court or judge

1 thereof, and it shall appear, either by affidavit or by a verified complaint on file, that a cause of action
2 exists against the defendant in respect to whom the service is to be made, and that the defendant is a
3 necessary or proper party to the action, such court or judge may grant an order that the service be made
4 by the publication of summons.”

5 SFR asserts that the after diligent effort, it is unable to serve Coloma within the state of Nevada.
6 (ECF No. 49 at 4). In support of this assertion, SFR provided the court with an affidavit of attempted
7 service. *Id.* The last known addresses for Coloma is 921 Noah Valley Street, Henderson, Nevada 89052.
8 *Id.* Service at this address was unsuccessful. *Id.*

9 The court finds that pursuant to Fed. R. Civ. P. 4(e)(1) and Nev. R. Civ. P. 4(e)(1), permitting
10 service by publication of the Summons and Counter/Cross-Complaint is warranted. Pursuant to Rule
11 4(e)(1)(iii), the publication must be made in a newspaper, published in the State of Nevada, for a period
12 of 4 weeks, and at least once a week during said time. Nev. R. Civ. P. 4(e)(1)(iii).

13 **Extension For Service**

14 Fed. R. Civ. P. 4(m) requires a defendant to be served within 90 days after the complaint is filed.
15 If “the plaintiff shows good cause for the failure [to serve a defendant within that time-frame], the court
16 must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m).

17 The last day to effectuate service on Coloma was February 26, 2017. Fed. R. Civ. P. 4(m). SFR
18 asserts that an additional 60 days is required to effect service by publication, and asks this court to extend
19 the 4(m) deadline. *Id.*

20 Given that SFR has demonstrated “good cause” for its failure to effectuate service and has provided
21 support for its request for an extension, the court will extend the 4(m) deadline until May 5, 2017. *See*
22 Fed. R. Civ. P. 4(m).

23 Accordingly, and for good cause shown,

24 **IT IS HEREBY ORDERED** that Motion to Serve Rodrigo J. Coloma by Publication and Motion
25 to Enlarge Time to Serve Summons and Cross-Claim (ECF No. 49 and 50) are GRANTED.

1 IT IS FURTHER ORDERED that SFR is permitted to serve Coloma by publication. A copy of the
2 Summons and Complaint must be mailed to Coloma at his last known address(es) by certified U.S. Mail,
3 return receipt requested.

4 IT IS FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 4(e)(1) and Nev. R. Civ. P. 4(e)(1)(i)
5 and (iii), the Summons in this action must be served by publication in a newspaper, published in the state
6 of Nevada, for a period of four weeks and at least once a week during that time.

7 IT IS FURTHER ORDERED that the deadline to effect service of process is extended up to and
8 including May 5, 2017.

9 DATED this 4th day of April, 2017.



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11 CAM FERENBACH
12 UNITED STATES MAGISTRATE JUDGE
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